

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members ~~Ma and Achadjian~~ Member Ma

February 24, 2012

An act to add ~~Title 11.8 (commencing with Section 14190.15)~~ to Part 4 of and repeal Section 13025 of the Penal Code, relating to metal theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Ma. ~~Metal theft and related recycling crimes.~~
Metal theft.

Existing law provides that any person who feloniously steals, takes, or carries away the personal property of another, or who fraudulently appropriates property that has been entrusted to him or her, is guilty of theft. Existing law also provides that a person who, being a dealer in or collector of junk, metals, or secondhand materials, buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass that he or she knows or reasonably should know is ordinarily used by, or ordinarily belongs to, a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, or city and county without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of

criminally receiving that property. Existing law authorizes the creation of rural crime prevention task forces for the purpose of developing rural crime prevention programs with systems for reporting rural crimes that enable the swift recovery of stolen goods and the apprehension of criminal suspects for prosecution.

This bill would require the Department of Justice, on or before January 1, 2014, to study the prevalence of metal theft in California and make recommendations to the Legislature in a report addressing the tools and resources that would be required by local law enforcement and district attorneys in order to successfully interdict the commission of metal theft and related metal recycling crimes. The bill also would require the report to include an analysis of the existing activities of rural crime prevention programs with regard to metal theft and related metal recycling crimes and the extent to which additional regional task forces could assist in deterring, investigating, and prosecuting metal theft and related metal recycling crimes.

The bill would repeal these provisions on January 1, 2018.

~~Existing law establishes the Board of State and Community Corrections to, among other things, promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.~~

~~This bill, on and after January 1, 2015, would require the board to establish a Metal Theft Task Force Program to provide grants to applicant regional task forces for the purposes of providing local law enforcement and district attorneys with the tools necessary to successfully interdict the commission of metal theft and related metal recycling crimes. The bill, on and after January 1, 2015, would establish the Metal Theft Task Force Fund, to be administered by the board, and, upon appropriation by the Legislature, would make moneys in the fund available for purposes of the program.~~

~~The bill would require the board to regularly review the program and report to the Governor and the Legislature, and would specify that the program shall not be implemented until the Department of Finance determines that sufficient funding has been deposited in the Metal Theft Task Force Fund to implement the program and funds have been made available upon appropriation by the Legislature.~~

~~This bill would also state findings and declarations of the Legislature relative to metal theft and the intent of the Legislature to provide local law enforcement with the tools to interdict metal theft and related metal recycling crimes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 13025 is added to the Penal Code, to*
2 *read:*

3 *13025. (a) On or before January 1, 2014, the Department of*
4 *Justice shall study the prevalence of metal theft in California and*
5 *make recommendations to the Legislature in a report addressing*
6 *the tools and resources that would be required by local law*
7 *enforcement and district attorneys in order to successfully interdict*
8 *the commission of metal theft and related metal recycling crimes.*

9 *(b) The report also shall include, but not be limited to, an*
10 *analysis of the existing activities of rural crime prevention*
11 *programs authorized pursuant to Section 14171 and 14181 with*
12 *regard to metal theft and related metal recycling crimes, and the*
13 *extent to which additional regional task forces could assist in*
14 *detering, investigating, and prosecuting metal theft and related*
15 *metal recycling crimes.*

16 *(c) The report shall be submitted in compliance with Section*
17 *9795 of the Government Code.*

18 *(d) This section shall remain in effect only until January 1, 2018,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2018, deletes or extends that date.*

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23 **All matter omitted in this version of the bill**
24 **appears in the bill as amended in the**
25 **Senate, August 6, 2012. (JR11)**
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